

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ESTABLISHMENT – A.P. State Consumer Disputes Redressal Commission – Enhancement of age of superannuation from 58 years to 60 years to the Employees of A.P. State Consumer Disputes Redressal Commission – Orders – Issued

CONSUMER AFFAIRS FOOD & CIVIL SUPPLIES (CS-II) DEPARTMENT

G.O.MS.No. 14

Dated: 11-08-2017

Read the following:

1. G.O.Ms.No:147, Finance (HR.IV.FR) Department, dated:30-06-2014.
2. G.O.Ms.No.112, Finance (HR.IV.FR) Department, dated:18-06-2016.
3. From the Registrar (FAC), A.P. State Consumer Disputes Redressal Commission, Hyderabad, Lr.Roc.No.40/APSCDRC/REGR/2016, Dated:04-07-2016.
4. Government Lr.No:43/CS.II/2016, Dated: -07-2016.
5. Representation, dated:16-07-2016 of Sri G.V.S. Prasad, Section Officer, A.P.S.C.D.R.C., Hyderabad.
6. Representation, dated:08-07-2016 of Smt. A. Rajasree, Sheristadar, District Consumer forum, Rajamundry-II, E.G. District.
7. Representation, dated:29-09-2016 from the District Consumer Forum Employees Association, Andhra Pradesh.
8. G.O.Ms.No.102, Finance (HR.IV.FR) Department, dated:27-06-2017.

ORDER:

In pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 (Act No.4/2014), orders were issued in the G.O.Ms.No:147, Finance (HR.IV.FR) Department, dated:30-06-2014, enhancing the age of superannuation from 58 years to 60 years to the following categories of State Government Employees:

- i) persons appointed to public services and posts in connection with the affairs of the state;
- ii) officers and other employees working in any local authority, whose salaries and allowances are paid out of the consolidated fund of the State;
- iii) persons appointed to the Secretariat Staff of the Houses of the State Legislature and
- iv) every other officer or employee whose conditions of service are regulated by the rules framed under the proviso to Article 309 of the Constitution of India before the commencement of this Act, other than the Village Officers and Law Officers; whether appointed before or after the commencement of this Act.

2. The Andhra Pradesh State Consumer Disputes Redressal Commission has implemented above orders to their employees also ie., enhancing the age superannuation from 58 years to 60 years and continued their services upto 60 years, since the officers and other employees working in the said Commission are drawing their salaries and allowance are paid out of the consolidated funds of the State.

3. In the reference 2ND read above, the Finance (HR.IV.FR) Dept., have issued orders, stating that the enhanced age of superannuation from 58 years to 60 years issued in the reference 1st read above cannot made applicable to the employees of the Public Sector Undertakings and Institutions listed in the Ninth and Tenth Schedules of A.P. Reorganization Act, 2014 until the matter of division of assets and liabilities of the Institution between the states of Andhra Pradesh and Telangana, is settled and the allotment of the employees between the two states is finalized for these public sector undertakings/Institutions.

4. In the reference 3rd read above, the Registrar (FAC), A.P. State Consumer Disputes Redressal Commission has stated that the Consumer Protection Act, 1986 is a benevolent social legislation to provide inexpensive, speedy and summary redressal of consumer disputes, quasi-judicial bodies have been set up in each District and State and at the National Level, called the District Forums, the State Consumer Disputes Redressal Commission and the National Consumer Disputes Redressal Commission respectively. At present, 17 District Consumer Fora spread over 13 Districts of Andhra Pradesh State have been functioning in the State of Andhra Pradesh.

5. By virtue of A.P. Re-organization Act, 2014, the Government of Telangana constituted a separate State Commission for the State of Telangana. So also the Government of Andhra Pradesh constituted 'anew State Commission for the State of Andhra Pradesh'. Accordingly, both the State Commissions are functioning in 'Eruvaka Building' Khairatabad, Hyderabad. Subsequently, the Government of India issued Gazette Notification including the A.P. State Consumer Disputes Redressal Commission in Schedule - X institutions.

6. Further, as per Rule 4 (6) of the A.P. State Consumer Protection Rules, 1987, the State Government was pleased to sanction such staff as may be necessary to the District Forums and State Commission in their day to day work and perform such other functions as are provided under Rules of assigned by the Presidents of the Dist. Forums and the State Commission. The salary payable to the such staff shall be defrayed out of the Consolidated Fund of the State Government. It is needless to state that salaries of all the permanent employees have been drawing both at District Forums as well as at A.P. State Commission under the Head 010-salaries.

7. The Government of A.P. vide G.O.Ms.No:147, Finance (HRM-IV) Department, dated:30-06-2014 was pleased to enhance the age of Superannuation of Government of Employees from 58 to 60 years. In the light of said G.O., the services of Sri V. Venkateswara Rao, Court Master, A.P. State Consumer Disputes Redressal Commission have been extended for another two years.

8. While the things stood thus, the Government issued G.O.Ms.No:112, Finance (HR.IV-FR) Department, dated:18-06-2016 to the following effect:

"Government having taken stock of all the above developments and after careful consideration hereby orders that the enhanced age of superannuation cannot be made applicable to the employees of the Public Sector Undertakings and Institutions listed in the Ninth and Tenth Schedules of A.P. Reorganization Act, 2014 until the matter of division of assets and liabilities of the Institution between the states of Andhra Pradesh and Telangana is settled and the allotment of the employees between the two states is finalized for these Public Sector Undertakings/Institutions. Government would be in a position to take a policy decision on the matter only after such process is completed in all respects. Orders issued, if any, by any Department or Public Sector Undertakings/Institutions shall be kept in abeyance with immediate effect"

9. In the light of the above fact that, though both A.P. State Consumer Disputes Redressal Commission and Telangana State Consumer Disputes Redressal Commission have been functioning separately in the same premises, the Government of India included the A.P. State Consumer Disputes Redressal Commission at Sl.No:25 vide Gazette dated:07-05-2015, the Registrar (FAC), A.P. State Consumer Disputes Redressal Commission has requested the Government to clarify as to the applicability of G.O.Ms.No:112, Finance (HR.IV-FR) Dept., dated:18-06-2016 to the permanent employees of both the A.P. State Consumer Disputes Redressal Commission and also the employees of the District Consumer Forums at District Level since some of the employees going to attain the age of 58 years in the month of July, 2016.

10. After examination of the request of the Registrar (FAC), A.P. State Consumer Redressal Commission, Government clarified that the G.O.Ms.No:112, Finance (HR.IV-FR) Dept., dated:18-06-2016 is applicable to the A.P. State Consumer Dispute Redressal Commission, Hyderabad also vide reference 4th read above.

11. Accordingly, the Andhra Pradesh State Consumer Disputes Redressal Commission have issued superannuation proceedings to the employees who are continued beyond 58 years as per the G.O.Ms.No:147, dated:30-06-2014 and also restricted age superannuation is 58 years to their employees based on the G.O.Ms.No:112, Finance (HR.IV.FR) Dept., dated:18-06-2016.

12. In the reference 7th read above, the District Consumer Forum Employees Association, Andhra Pradesh has stated that the G.O.Ms.No:112 is not applicable to the employees of District Consumer Fora since the employees working in District Consumer Fora do not in any way fall in the bifurcation process as they are being considered as the employees of the successor States and the allocation of Staff has been finalized in terms of G.O.Ms.No:244. Moreover, the District Consumer Fora in the State of A.P., are constituted under Central Act and discharging quasi-judicial functions but not the public sector undertaking/Institution. Further that though the Hon'ble High Court of Andhra Pradesh was listed in tenth schedule, the employees of its subordinate Courts like District Court etc., in the State of A.P., are retiring on attaining superannuation age of 60 years but not 58 years and accordingly, the District Court, Guntur also issued proceedings enhancing the superannuation age from 58 to 60 years as per Act 4 of 2014. They further submitted that the salaries of the employees being paid from the State Government consolidated fund ie., major head 3456 - Civil Supplies and also the Andhra Pradesh District Consumer Fora (Sub-ordinate Rules) Employees Service Rules are framed under the provision to Article 309 of Constitution of India. Therefore, the District Consumer Fora employees are eligible for superannuation age of 60 years.

13. In view of the above circumstances, they requested to kindly consider the matter and issue necessary suitable orders that G.O.Ms.No:112, Finance (HR.IV-FR) Department, dated:18-06-2016 is not applicable to the employees working in various District Consumer Fora in the State of A.P., and permit them to work till they attain age of Superannuation of 60 years as per the orders vide G.O.Ms.No:147, Finance (HRM IV) Department, Dated:30-06-2014 as the allocation of the employees working in the District Consumer Fora has already been completed by virtue of G.O.Ms.No:244, General Administration (SR) Department, dated:01-06-2014.

14. Further, one retired employee of A.P. State Consumer Disputes Redressal Commission have approached the Hon'ble High Court pleading for enhancement of age of superannuation to him on par with the Government Employees. The Hon'ble High Court while disposing the petition with other petitions have set aside the orders issued by the Government in G.O.Ms.No:112, Finance (HR.IV.FR) Department, dated:18-06-2017 and directed to consider the proposals by each of corporations/ societies/ companies, for enhancement of the age of superannuation from 58 to 60 years in accordance with law, and take a decision thereupon at the earliest, in any event not later than four months from the date of receipt of a copy this order.

15. Accordingly, the Finance (HR.IV.FR) Department have examined the orders of the Hon' ble High Court and extended the enhanced age of superannuation of employees working in the institutions listed in IX and X schedule Institutions subject to the following conditions:

- i. The specific decision to enhance the superannuation age from 58 to 60 years to their employees shall be taken by the Board of Directors / Managing Committees of these legal entities.
- ii. While doing so, these Institutions shall take into consideration their financial position and genuineness of their need to enhance the age of superannuation.
- iii. In case of Residential Education Societies, the decision should be based on the genuineness of their need and assessment of performance of these societies.

16. Further it is ordered that these orders shall come into force prospectively from the date of issue of the orders by competent authorities after amending the relevant regulations/bye-laws and any order issued by the any department which is repugnant to this order shall be deemed to have been modified or superseded to the extent of repugnancy.

17. In this connection, it is submitted that the A.P. State Consumer Disputes Redressal Commission is not a Public Sector undertaking or Autonomous Institution and the commission is not having any Board/Managing Committee/Executive Council to take a specific decision to enhance superannuation age from 58 to 60 years. The Commission is a Government organization and employees' salaries are drawing from the State Consolidate Fund ie., Major Head 3456 – Civil Supplies. Therefore, consideration of their financial position does not arise. Further, the Andhra Pradesh State District Consumer Fora (Sub-ordinate Rules) Employees Service Rules are framed under the proviso to Article 309 of Constitution of India and they are governed by the A.P. Revised pension rules, 1980. Therefore, amending the relevant regulations/bye-laws of Commission does not arise and Government have to take a decision in the matter and it may not possible to take action as per the G.O.Ms.No:102, Finance (HR.IV.FR) Department, dated:27-06-2017 in the matter in respect of A.P. State Consumer Disputes Redressal Commission

18. In view of the above, the Government have taken a decision to extend the enhanced age superannuation from 58 years to 60 years to the permanent employees of A.P. State Consumer Disputes Redressal Commission and District Fora's as per the orders issued in G.O.Ms.No:147, Finance (HR.IV.FR) Department, dated:30-06-2014 and also to the employees who were retired at the age of 58 years based on the orders of G.O.Ms.No:112, Finance (HR.IV-FR) Department, dated:18-06-2016 with retrospectively i.e., from the date of superannuation since the employees of the A.P. State Consumer Disputes Redressal Commission, Hyderabad and District Foras' are Government employees.

19. Accordingly, after careful examination of the entire matter, Government hereby accord to extend the enhanced age superannuation from 58 years to 60 years to the permanent employees of A.P. State Consumer Disputes Redressal Commission and District Fora's as per the orders issued in G.O.Ms.No:147, Finance (HR.IV.FR) Department, dated:30-06-2014 and also to the employees who were retired at the age of 58 years based on the orders of G.O.Ms.No:112, Finance (HR.IVFR) Department, dated:18-06-2016 with retrospectively effect i.e., from the date of superannuation.

20. The Registrar (FAC), A.P. State Consumer Disputes Redressal Commission, Hyderabad is requested to take necessary action and also the employees given retirement proceedings based on the G.O.Ms.No:112, Finance (HR.IV.FR) Dept., dated:18-06-2016 shall be reinstated immediately.

21. This order issues with the concurrence of Finance (HR.IV) Department vide their U.O.No.33021/402/HR.IV/2016, dated:17-07- 2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
E.O.PRL.SECRETARY TO GOVERNMENT

To
The Registrar (FAC), A.P. State Consumer Disputes Redressal Commission, Hyderabad.
The Pay and Accounts Officer, Government of A.P., Vijayawada.
The A.G., A.P., Hyderabad.
All the District Treasury Officers, A.P.,
Copy to:
The President, District Consumer Forum Employees Association, A.P.
The Finance (HR.IV) Department, A.P. Secretariat, Velagapudi.
The P.S., to Minister (FCS), Government of A.P., A.P. Secretariat,
SF/SC
File No.CSS-CS21/45/2016-CS.II-CSS

// FORWARDED BY ORDER //

SECTION OFFICER